

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 14 2007

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	MJ-07-253
)	
ELVEN J. SWISHER,)	
)	
Defendant.)	
_____)	

RULE 5 PAPERS

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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

U.S. COURTS

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REC'D _____ FILED _____
CAMERON S. BURKE
CLERK, IDAHO

IN THE UNITED STATES COURT FOR THE DISTRICT OF IDAHO

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>ELVEN J. SWISHER,</p> <p>Defendant.</p>	<p>INDICTMENT</p> <p>CR 07-0182 S BLW</p> <p>(Vio. 18 U.S.C. §§ 704(a); 1001(a)(2); 1001(a)(3); and §§ 641, 2)</p>
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THE GRAND JURY CHARGES:

COUNT ONE
Wearing Unauthorized Military Medals
(18 U.S.C. § 704(a))

From on or about July 2004, and continuing on or until August 2006, in the State and District of Idaho, defendant, ELVEN J. SWISHER, without authority, knowingly wore decorations and medals authorized by Congress for the Armed Forces of the United States of America, that is the Purple Heart, Silver Star Medal, Navy and Marine Corps Medal (Gold Star

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in lieu of the Second Award) and Marine Corps Commendation Medal with Combat "V", all in violation of Title 18, United States Code, Section 704(a).

COUNT TWO
False Statements
(18 U.S.C. § 1001(a)(2))

From on or about June 2003, and continuing until on or until about August 2006, in the State and District of Idaho, defendant, ELVEN J. SWISHER, willfully and knowingly made materially false, fictitious or fraudulent representations, in a matter within the jurisdiction of the Department of Veterans Affairs, that is ELVEN J. SWISHER stated he was involved in combat operations during his military service, was awarded the Purple Heart, Silver Star Medal, Navy and Marine Corps Medal (Gold Star in lieu of the Second Award) and Marine Corps Commendation Medal with Combat "V", and suffered from Post Traumatic Stress Disorder as a result of his alleged combat experience, all in an effort to obtain additional benefits to which he was not entitled, in violation of Title 18, United States Code, Section 1001(a)(2).

COUNT THREE
False Statements
(18 U.S.C. § 1001(a)(3))

From on or about February 2004, and continuing on until on or about August 2006, in the State and District of Idaho, defendant, ELVEN J. SWISHER, willfully and knowingly made or used a false writing or document, knowing the same to contain a materially false, fictitious or fraudulent statement or entry, in a matter within the jurisdiction of the Department of Veterans Affairs, that is ELVEN J. SWISHER used a forged, counterfeit or falsely altered certificate of discharge from the United States Marine Corps which included false information regarding his alleged involvement in combat operations during his military service, was awarded the Purple

Heart, Silver Star Medal, Navy and Marine Corps Medal (Gold Star in lieu of the Second Award) and Marine Corps Commendation Medal with Combat "V", all in an effort to obtain additional benefits to which he was not entitled, in violation of Title 18, United States Code, Section 1001(a)(3).

COUNT FOUR
Theft of Government Funds
(18 U.S.C. § 641)

From on or about February 2004, and continuing on until on or about August 2005, in the State and District of Idaho, defendant, ELVEN J. SWISHER, knowingly and willfully did steal, purloin, and convert to his use, Department of Veterans Affairs disability benefits, that is ELVEN J. SWISHER presented false testimony to the United States' Department of Veterans Affairs and a forged form DD-214 in an effort to obtain a higher disability rating and thus to obtain additional benefits to which he was not entitled, all of a value in excess of \$1,000 and all property of the United States' Department of Veterans Affairs, in violation of Title 18, United States Code, Sections 641 and 2.

DATED this ___ day of July, 2007.

AT TRUE BILL.

/s/

____ signed on back _____
Foreperson

ALBERTO R. GONZALES
United States Attorney General

/s/ Jessica T. Fehr

JESSICA T. FEHR
Special Attorney to the U.S. Attorney General

UNITED STATES DISTRICT COURT

DISTRICT OF IDAHO

UNITED STATES OF AMERICA

v.

ELVEN J. SWISHER

Sealed

WARRANT FOR ARREST

CASE NUMBER: CR 07-182-S-BL W

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest ELVEN J. SWISHER and bring forth with to the nearest magistrate to answer **AN INDICTMENT** charging with the below listed violation.

18 USC §704(a)-WEARING UNAUTHORIZED MILITARY MEDALS

18 USC §1001(a)(2)-FALSE STATEMENTS

18 USC §1001(a)(3)-FALSE STATEMENTS

18 USC §641-THEFT OF GOVERNMENT FUNDS

Darlene Smith, Deputy Clerk
Name and Title of Issuing Officer

July 30, 2007
Date

RETURN

This warrant was received _____ and executed with the arrest of the above-named individual at _____.

Signature of Arresting Officer

Date of Arrest

Name & Title of Arresting Officer

JESSICA T. FEHR
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ATTORNEY FOR PLAINTIFF
 UNITED STATES OF AMERICA

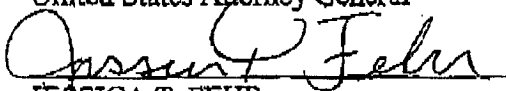
IN THE UNITED STATES COURT FOR THE DISTRICT OF IDAHO

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>ELVEN J. SWISHER,</p> <p>Defendant.</p>	<p>Case No:</p> <p>MOTION TO SEAL INDICTMENT</p>
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COMES NOW the United States of America, by and through U. S. Attorney General, Alberto R. Gonzales, and the undersigned Special Assistant to the U. S. Attorney General for the District of Montana, and submit this Motion to Seal Indictment and hereby request that the Indictment be kept under seal until the initial appearance of the suspect in U.S. District Court.

Respectfully submitted this 26th day of July, 2007.

ALBERTO R. GONZALES
 United States Attorney General



JESSICA T. FEHR
 Special Attorney to the U.S. Attorney General

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ATTORNEY FOR PLAINTIFF
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IN THE UNITED STATES COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

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ELVEN J. SWISHER,

Defendant.

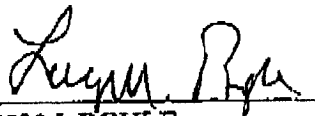
Case No:

ORDER

The Court having reviewed the Government's Motion to Seal Indictment, and good cause appearing therefrom,

IT IS HEREBY ORDERED that the Motion to Seal Indictment is GRANTED. The Indictment shall remain under seal until the initial appearance of the suspect in U.S. District Court.

Dated this 30th day of July, 2007.


LARRY M. BOYLE
U.S. Magistrate Judge